

KORY SIJUAN CLAY, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. 4:06-CV-1859 CAS  
 )  
 JAMES PURKETT, et al., )  
 )  
 Defendant. )

This matter is before the Court on its own motion. On January 9, 2007, the Court entered a Memorandum and Order noting various procedural problems with this case and ordering plaintiffs to correct those problems. Specifically, plaintiffs Stuart, Militzer and Montgomery were ordered to (1) sign the complaint and return it to the Court within thirty days of January 9, 2007, or file an amended complaint within that time; and (2) file a motion to proceed in forma pauperis and a certified copy of their prison trust fund account statements for the six-month period immediately preceding the filing of the complaint within thirty days of January 9, 2007, or pay the \$350.00 filing fee by that time. In addition, plaintiffs Stuart and Militzer were ordered to sign their separate motions for “Temporary Injunction/Restraining Order” within thirty days of January 9, 2007. The Clerk of the Court mailed copies of the complaint and the motions for injunctive relief to the plaintiffs.

Plaintiffs Stuart, Militzer and Montgomery have failed to comply with the Court's order. Plaintiff Militzer did not file any response. Plaintiffs Stuart and Montgomery filed timely motions for leave to proceed in forma pauperis, but did not submit signed copies of the complaint, certified account statements, or signed copies of their motions for injunctive relief. These plaintiffs will

therefore be dismissed from this action. Plaintiffs Stuart and Militzer's motions for preliminary injunction will be denied as moot. The Court notes that the motions would have been subject to striking from the record pursuant to Fed. R. Civ. P. 11(a) because they are not signed.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs Stuart, Militzer and Montgomery are **DISMISSED** from this action, without prejudice, pursuant to Fed. R. Civ. P. 11(a) and 41(b).


**IT IS FURTHER ORDERED** that Stuart's motion for preliminary injunction is **DENIED** as moot. [Doc. 4]

**IT IS FURTHER ORDERED** that Militzer's motion for preliminary injunction is **DENIED** as moot. [Doc. 5]

**IT IS FURTHER ORDERED** that Montgomery's motion for leave to proceed in forma pauperis is **DENIED**. [Doc. 8]

**IT IS FURTHER ORDERED** that Stuart's motion for leave to proceed in forma pauperis is **DENIED**. [Doc. 10]

An appropriate order of partial dismissal will accompany this memorandum and order.

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 27th day of February, 2007.